

SEYFARTH  
ATTORNEYS SHAW LLP

MEMO ENDORSED

620 Eighth Avenue

New York, New York 10018

(212) 218-5500

fax (212) 218-5526

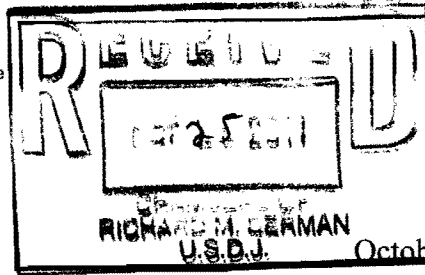
www.seyfarth.com

Writer's direct phone

(212) 218-5611

Writer's e-mail

aianni@seyfarth.com



October 25, 2011

**VIA HAND DELIVERY**

The Honorable Richard M. Berman  
 United States District Court for the Southern District of New York  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl Street, Room 21B  
 New York, New York 10007-1312

SO ORDERED:

Date:

10/26/11

*Richard M. Berman*  
 Richard M. Berman, U.S.D.J.

Re: Sanjae Russell v. S & S Credit Co., Inc. and  
The Stop & Shop Supermarket Company LLC, 11-CV-5031 (RMB-HBP)

Dear Judge Berman:

We represent defendants S & S Credit Co., Inc. and The Stop & Shop Supermarket Company LLC (collectively, the "Defendants") in the above-referenced case, and respectfully write to request that the Court postpone the parties' Court-ordered mediation session.

The mediation session was previously scheduled for September 30, 2011, but was cancelled at the last minute by the mediator. Since that time, plaintiff Sanjae Russell ("Russell") filed his motion to remand, which is currently pending before the Court. The parties have also since engaged in settlement discussions, during which it became clear that Russell's \$90,000 settlement demand was far in excess of what Defendants would be willing to pay to settle the case. Thus, although Defendants strongly believe that Russell's remand motion should be denied, because the case may ultimately be remanded to state court and the mediation session is unlikely to be fruitful at this time, Defendants respectfully request that the Court postpone the Court-ordered mediation until it rules on the pending motion to remand.

Thank you for Your Honor's consideration of this request

Respectfully submitted,

SEYFARTH SHAW LLP

*Allison E. Ianni*  
 Allison E. Ianni

cc: Edward Cerasia II  
 Stewart Lee Karlin, Esq.

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #:  
 DATE FILED: 10/26/11

